

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JACK EARL RUMMERFIELD,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Case No. 1:22-cv-01571-SAB

ORDER REQUIRING PLAINTIFF TO SHOW
CAUSE WHY FOOTNOTES SHOULD BE
STRICKEN FROM MOTION FOR
SUMMARY JUDGMENT AS SANCTION
FOR VIOLATING PAGE LIMITS

(ECF No. 18)

DEADLINE: CLOSE OF BUSINESS MARCH
18, 2024

On June 2, 2022, Jack Earl Rummerfield (“Plaintiff”) filed a motion for summary judgment seeking judicial review of a final decision of the Commissioner of Social Security (“Commissioner” or “Defendant”) denying his application for disability benefits pursuant to the Social Security Act. Upon review of Plaintiff’s motion, the Court finds a willful violation of the page limits set forth in the General Civil Case Information for the undersigned. Accordingly, Plaintiff shall be ordered to show cause why the footnotes in the motion for summary judgment should not be stricken as a sanction for violating the Court’s page limitations for motions.

Pursuant to the Court’s general procedures, “all moving and opposition briefs or legal memorandum in civil cases shall not exceed twenty-five (25 pages). . . . Briefs that exceed the page limitations or are sought to be filed without leave may not be considered.” See General Civil Case

1 Information, ¶ 7, available at <http://www.caed.uscourts.gov>, under Judges; United States Magistrate
2 Judge Stanley A. Boone (SAB), General Civil Case Information.

3 Plaintiff's motion for summary judgment is 28 pages in length. Review of the motion shows
4 extensive use of footnotes which the Court finds to be a willful attempt to violate the page limits
5 set forth above. Footnotes in the instant motion comprise approximately a half page on 4 pages
6 (Mot. at 14, 15, 20, 26), a third page on 2 pages (id. at 24, 27), a quarter page on 2 pages (id. at 17,
7 22), and over three quarters of the page on 1 page (id. at 23). Further, these footnotes contain
8 argument and citations to law and evidence in support of Plaintiff's motion. Plaintiff did not seek
9 leave to file an oversized brief in this matter, and review of the motion can only lead to the
10 conclusion that the use of footnotes was willful in order to avoid the appearance of being over the
11 page limits set forth above.

12 The Federal Rules of Civil Procedure provides that the underlying purpose of the rules is
13 to secure the just, speedy and inexpensive determination" of an action. Fed. R. Civ. P. 1. To
14 effectuate this purpose the Rules provide for sanctions against parties that fail to comply with
15 court orders or that unnecessarily multiply the proceedings. See e.g. Fed. R. Civ. P. 16(f); Fed.
16 R. Civ. P. 37(b). Rule 16(f) of the Federal Rules of Civil Procedure authorizes the court to issue
17 any just order if a party or attorney fails to obey a scheduling or other pretrial order.

18 The court also possesses inherent authority to impose sanctions to manage its own affairs
19 so as to achieve the orderly and expeditious disposition of cases. Chambers v. NASCO, Inc., 501
20 U.S. 32, 43 (1991). The court's inherent power is that which is necessary to the exercise of all
21 others, including to protect the due and orderly administration of justice and maintain the
22 authority and dignity of the court. Roadway Exp., Inc. v. Piper, 447 U.S. 752, 764 (1980). The
23 Local Rules of the Eastern District of California ("L.R.") provide that "[f]ailure of counsel or of
24 a party to comply with these Rules or with any order of the Court may be grounds for imposition
25 by the Court of any and all sanctions authorized by statute or Rule or within the inherent power
26 of the Court." L.R. 110.

27 Accordingly, IT IS HEREBY ORDERED THAT on or before close of business on March
28 18, 2024, Plaintiff shall show cause why the footnotes in Plaintiff's motion for summary judgment

1 should not be stricken for the willful violation of the Court's procedures setting a page limit of
2 twenty-five pages for moving papers.

3
4 IT IS SO ORDERED.

5 Dated: March 14, 2024


UNITED STATES MAGISTRATE JUDGE